

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Appropriations, to which was referred Senate Bill No. 67, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 5, after "time of" insert "**(1)**":
- 2 **(1)**".
- 3 Page 1, line 6, delete ":".
- 4 Page 1, line 7, delete "(1)".
- 5 Page 1, run in lines 6 through 7.
- 6 Page 1, line 8, after "(2)" insert "**the amount needed for the board**
- 7 **to make distributions to**".
- 8 Page 1, line 8, delete ";" and insert "**consistent with this chapter;**".
- 9 Page 1, between lines 14 and 15, begin a new paragraph and insert:
- 10 "**(c) If:**
- 11 **(1) all CMRS providers have been reimbursed for their costs**
- 12 **as provided in section 39(a)(2) of this chapter; and**
- 13 **(2) the fee assessed under section 25.5 of this chapter is greater**
- 14 **than fifty cents (\$0.50);**
- 15 **the board shall reduce the fee so that the fee is not more than fifty**
- 16 **cents (\$0.50). A reduction of the fee under this subsection is not to**
- 17 **be considered an adjustment under subsection (a).**
- 18 SECTION 2. IC 36-8-16.5-35 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 35. A CMRS provider
- 20 may keep ~~two percent (2%)~~ **seven tenths of a cent (\$0.007)** of the

1 wireless emergency enhanced 911 fee collected each month from each
 2 subscriber for the purpose of defraying the administrative costs of
 3 collecting the fee."

4 Page 1, line 16, delete "A" and insert **"Except as provided in**
 5 **section 35 of this chapter, a"**.

6 Page 2, line 2, after "fund." insert **"To recover from the fund, the**
 7 **costs must be invoiced to the board as required by section 42 of this**
 8 **chapter."**.

9 Page 2, delete lines 3 through 9.

10 Page 2, line 12, strike "subsection" and insert **"subsections"**.

11 Page 2, line 12, after "(b)" delete "," and insert **"and (c),"**.

12 Page 2, line 20, delete "PSAPs and".

13 Page 2, line 21, delete "but".

14 Page 2, line 22, delete "not" and insert **"and"**.

15 Page 2, line 22, delete "order." and insert **"order but not incurred**
 16 **by CMRS providers or PSAPs."**.

17 Page 3, line 6, strike "26" and insert **"26(a)"**.

18 Page 3, line 9, delete "When all CMRS providers have been".

19 Page 3, delete lines 10 through 18.

20 Page 3, line 33, strike "reimburse" and insert **"make distributions**
 21 **to"**.

22 Page 4, line 2, delete "If, after all CMRS providers have".

23 Page 4, delete lines 3 through 7.

24 Page 4, between lines 28 and 29, begin a new paragraph and insert:

25 **"(c) If all CMRS providers have been reimbursed for their costs**
 26 **under this chapter, PSAPs have been reimbursed for their costs**
 27 **associated with phase two of the FCC order under subsection (a),**
 28 **and the fee has been reduced under section 26(c) of this chapter,**
 29 **the board shall manage the fund in the following manner:**

30 **(1) One cent (\$0.01) of the wireless emergency 911 fee**
 31 **collected from each subscriber may be used by the board to**
 32 **recover the board's expenses in administering this chapter.**
 33 **However, the board may increase this amount at the time the**
 34 **board may adjust the monthly fee assessed against each**
 35 **subscriber to allow for full recovery of administration**
 36 **expenses.**

37 **(2) Thirty-eight and three tenths cents (\$0.383) of the wireless**
 38 **emergency 911 fee collected from each subscriber must be**

distributed to each county containing at least one (1) PSAP, as identified in the county notice required by section 40 of this chapter. The board shall make these distributions in the following manner:

(A) The board shall distribute on a monthly basis to each eligible county thirty-four and four tenths cents (\$0.344) of the wireless emergency 911 fee based upon the county's percentage of the state's population.

(B) The board shall distribute on a monthly basis to each eligible county three and nine tenths cents (\$0.039) of the wireless emergency 911 fee equally among the eligible counties. A county must use a distribution received under this clause to reimburse PSAPs that:

(i) are identified by the county under section 40 of this chapter as eligible for distributions; and

(ii) accept wireless enhanced 911 service;

for actual costs incurred by the PSAPs in complying with the wireless enhanced 911 requirements established by the FCC order and rules.

(C) The board shall deposit the remainder of the wireless emergency 911 fee collected from each subscriber into an escrow account to be used for costs associated with other wireless enhanced 911 services mandated by the FCC and specified in the FCC order but not incurred by PSAPs. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments for costs associated with other wireless enhanced 911 services mandated by the FCC but not specified in the FCC order or to make distributions to PSAPs under this section.

(3) If the fee has been reduced under section 26(c) of this chapter, the board shall determine how money remaining in the accounts or money for uses described in subsection (a) is to be allocated into the accounts described in this subsection or used for distributions under this subsection.

This subsection does not affect the transfer provisions set forth in subsection (b)."

Renumber all SECTIONS consecutively.

(Reference is to SB 67 as printed January 21, 2005.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Meeks

Chairperson